

- A. Whereas, an immediate, continued, and focused effort to manage a smaller but sustainable Salton Sea is necessary to protect public health and the environment.
- B. Whereas, the Salton Sea Restoration Act, California Fish & Game Code section 2931(a) states that “it is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on the ecosystem.”
- C. Whereas, the Salton Sea Restoration Act, California Fish & Game Code section 2942 provides that the Secretary of the California Natural Resources Agency (CRNA) shall lead the state’s efforts to restore the Salton Sea.
- D. Whereas, ~~the California Natural Resources Agency (CNRA)~~ has prepared Phase I of the Salton Sea Management Program (SSMP) in furtherance of its Salton Sea Restoration objectives and is committed to constructing and maintaining habitat and dust-suppression projects that address public health and environmental concerns. The SSMP contemplates future phases, and a long-range plan.
- E. Whereas, the Imperial Irrigation District (IID) filed a petition with the State Water Resources Control Board (Board) on November 18, 2014, seeking to have the Board enter an order to ensure success of Salton Sea Restoration.
- F. Whereas, the Board conducted workshops in 2015 and 2016 to examine issues related to Salton Sea restoration.
- G. Whereas, on August 31, 2016, CNRA entered into a Memorandum of Understanding with the United States Department of the Interior that provides, in pertinent part, that the State will have a lead role in the cooperative effort to restore the Salton Sea.
- H. Whereas, on January 18, 2017, CNRA and the United States Department of the Interior entered into an Addendum to the Memorandum of Understanding expressly identifying the importance of Salton Sea restoration as a critical component of plans for maintaining California’s long-term water supply reliability.
- I. Whereas, on March 15, 2017, IID filed a motion with the Board seeking to have an evidentiary hearing to address its November 18, 2014 petition regarding Salton Sea Restoration.
- J. Whereas, in addition to the mitigation requirements imposed by the federal and state endangered species laws, the California Environmental Quality Act (Public Resources Code §§21000-21177 et seq.) establishes requirements for the implementation of mitigation measures imposed to minimize the projected significant impacts of the Transfer Project. These mitigation measures and the Mitigation Monitoring & Reporting Program for the QSA transfers are not addressed and are unaffected by this Order.

The State Water Resources Control Board finds and determines as follows:

1. For the reasons set forth in Water Rights Order 2002-0013 (revised) and Water Rights Order 2002-0016, the delivery of “mitigation water” to the Salton Sea will terminate on December 31, 2017. Mitigation measures shall continue to proceed pursuant to the Mitigation Monitoring & Reporting Program as provided in the “Water Conservation and Transfer Project” Environmental Impact Report and Environmental Impact Statement certified by IID and Amended and Restated in a September 2003 Addendum and incorporated into Water Right Order 2002-0013 (revised) including the four-step air quality plan outlined therein.

2. Water Right Order 2002-0013 (revised) is hereby modified by adding the following paragraphs as new independent conditions 19-~~27~~29 pertinent to Salton Sea Restoration:

19. Conditions 20-29 are independent conditions pertinent to Salton Sea Restoration.

20. The Board finds and declares that restoration of a smaller but sustainable Salton Sea is feasible, that the State of California will lead and coordinate management efforts, and that implementation of projects to protect or improve air and water quality and wildlife habitat will be completed forthwith to avoid severe consequences to the State of California as a whole, to the health of Imperial and Coachella Valley residents, and to multiple wildlife habitats that exist at the Salton Sea and serve the Pacific Flyway.

210. The Board further finds and declares that successful management of a smaller but sustainable Salton Sea will require the active participation and support of the federal government, affected local and regional governing bodies, affected tribal governments, environmental and philanthropic organizations, and the State of California. While the importance, cost and scale of this endeavor will exceed what can be expected from any single entity, the State has acknowledged that its role as a catalyst is essential in advancing the cause of restoration.

221. The Board further finds that the ability to successfully manage a smaller but sustainable Sea will require cooperation from non-state property owners, surface lease holders, surface and subsurface mineral rights owners as well as air quality management districts with jurisdiction over the Sea to ensure land use entitlements are secured expeditiously and management project design is compatible with existing land use and water conveyance infrastructure.

232. The Board further finds that successful management of the exposed Salton Sea lakebed requires the cooperation of the State of California and air quality managers with jurisdiction over the Sea to develop future air quality projects.

243. Consistent with Recitals B, C, and D [of this Order], in addition to currently planned and funded habitat projects (Red Hill Bay, Torres Martinez wetlands and Species Conservation Habitat) and all QSA JPA funded Salton Sea mitigation projects, restoration milestones detailed below are necessary to address public health and environmental concerns: during Phase 1 of the SSMP. Additional projects and milestones will be developed for subsequent phases to address public health and environmental concerns.

- a. By ~~January 1, 2019~~December 31, 2018, construction of habitat and dust-suppression projects shall be completed on 500 acres of exposed playa.
- b. By ~~January 1, 2020~~December 31, 2019, construction of habitat and dust-suppression projects shall be completed on an additional 1,300 acres of exposed playa.
- c. By ~~January 1, 2021~~December 31, 2020, construction of habitat and dust-suppression projects shall be completed on an additional 1,700 acres of exposed playa.
- d. By ~~January 1, 2022~~December 31, 2021, construction of habitat and dust-suppression projects shall be completed on an additional 3,500 acres of exposed playa.
- e. By ~~January 1, 2023~~December 31, 2022, construction of habitat and dust-suppression projects shall be completed on an additional 1,750 acres of exposed playa.

- f. By ~~January 1, 2024~~December 31, 2023, construction of habitat and dust-suppression projects shall be completed on an additional 2,750 acres of exposed playa.
- g. By ~~January 1, 2025~~December 31, 2024, construction of habitat and dust-suppression projects shall be completed on an additional 2,700 acres of exposed playa.
- h. By ~~January 1, 2026~~December 31, 2025, construction of habitat and dust-suppression projects shall be completed on an additional 3,400 acres of exposed playa.
- i. By ~~January 1, 2027~~December 31, 2026, construction of habitat and dust-suppression projects shall be completed on an additional 4,000 acres of exposed playa.
- j. By ~~January 1, 2028~~December 31, 2027, construction of habitat and dust-suppression projects shall be completed on an additional 4,000 acres of exposed playa.
- k. By ~~January 1, 2029~~December 31, 2028, construction of habitat and dust-suppression projects shall be completed on an additional 4,200 acres of exposed playa.

254. No less than 50% of the acreage described in ~~condition paragraph 243~~ shall provide habitat benefits for fish and wildlife that depend on the Salton Sea ecosystem. Projects that provide habitat benefits for fish and wildlife do not include dust control projects that involve surface roughening, vegetation enhancement and surface stabilization.

265. CNRA will develop subsequent 10-year phases of the SSMP based upon available information, with the development of each phase commencing no later than midway through each current phase. Beginning with the development of Phase II, and in close coordination with stakeholders, CNRA will ~~develop~~complete a long-term plan by no later than December 31, 2022.

276. Annual milestones are cumulative and if they are not achieved or exceeded in any given year, the amount of the shortfall or excess in that year will carry over to the following year.

287. No later than March 31 each year, the Board will hold a public meeting to receive oral and written comments on the status of Salton Sea Restoration, including a report from state agencies identifying: (i) completed projects and milestones achieved in the prior year; (ii) amount of acreage of completed projects that provide dust suppression and habitat, broken down by habitat type; (iii) upcoming projects to be completed and milestones to be achieved prior to the next annual progress report; (iv) the status of financial resources and permits that have not been secured for future projects; (v) any anticipated departures from the dates and acreages identified in ~~condition paragraph 243~~; and progress toward development of the long-range plan described in ~~condition paragraph 265~~. Should an annual milestone shortfall exceed 20 percent of a year's annual obligation ~~for more than two consecutive years~~, the report will also include a plan that will cure the deficiency within 12 months.

298. The Board reserves jurisdiction to further amend conditions 19-~~278~~ of this ~~Order~~ as necessary to ensure Salton Sea Restoration throughout the term of the QSA through its continuing jurisdiction under this ~~Order~~.

3. This Order, like Water Right Order 2002-13 (revised) and Water Right Order 2002-16, is determined to be non-precedential pursuant to Government Code section 11425.60(b).